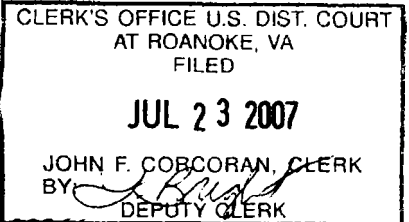


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



HAASHIM PIERSON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:06-cv-00366

**FINAL ORDER ADOPTING
REPORT AND RECOMMENDATION**

By: Samuel G. Wilson
United States District Judge

Haashim Pierson brings this action under 28 U.S.C. § 2255, alleging that (1) trial counsel provided ineffective assistance throughout the criminal proceeding as well as by failing to file a notice of appeal after Pierson requested; (2) as a result of counsel's ineffective assistance, his guilty plea was not knowing and voluntary; and (3) in determining his sentence, the court improperly considered drug quantities he proffered to the government. By Order entered January 17, 2007, the court ordered an evidentiary hearing and referred the matter to United States Magistrate Judge Michael F. Urbanski for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). An evidentiary hearing was held on June 19, 2007 and the Magistrate Judge filed a Report and Recommendation, finding that Pierson failed to establish any credible evidence suggesting that counsel provided constitutionally deficient assistance and that because he knowingly and voluntarily waived his right to collaterally attack his conviction, his remaining claims for relief are barred. Neither party has filed objections. Having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety; respondent's motion to dismiss is **GRANTED**; Pierson's petition is **DISMISSED**; and this matter is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This 23^d day of July, 2007.

[Signature]
United States District Judge